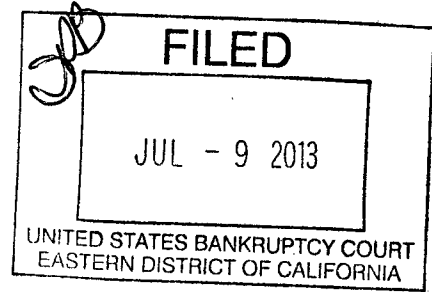


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DANIEL MAJOR EDSTROM
2690 BROWN BEAR COURT
COOL, CA 95614
TEL: 916/207-6706
Plaintiff and Debtor-in-Possession



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re DANIEL MAJOR EDSTROM,	)	CASE NO.: 12-29353-B-11
)	
Debtor-in-possession.	)	CHAPTER 11
)	
	)	A.P. NO. 13-02132-B
)	
DANIEL MAJOR EDSTROM, and all others	)	DC NO. DME-1
similarly situated,)	
	)	PLAINTIFFS ADDITIONAL
Plaintiffs,	)	OPPOSITION TO DEFENDANT
	)	AUBURN LAKE TRAILS PROPERTY
v.	)	OWNERS ASSOCIATION'S MOTION
	)	TO DISMISS;
AUBURN LAKE TRAILS PROPERTY)	
OWNERS ASSOCIATION A CALIFORNIA	)	Hearing:
CORPORATION; ALLIED TRUSTEE	)	Date: July 23, 2013
SERVICES A CALIFORNIA	)	Time: 9:32 a.m.
CORPORATION, a Fictitious or Ghost	)	Ctrlm.: 32
Entity; G&P ENTERPRISES A	)	Dept: B
CALIFORNIA LIMITED LIABILITY)	
COMPANY; and DOES 1-100,)	
)	
Defendants.	)	Hon. Thomas C. Holman
	)	501 I Street, 6th Floor, Sacramento,
	)	California 95814, Tel.: (916) 930-4473

1 COMES NOW, DANIEL MAJOR EDSTROM ("Edstrom" or "Plaintiff") as Plaintiffs
2 request that all parties PLEASE TAKE NOTICE that Plaintiff hereby respectfully objects to and
3 opposes DEFENDANT AUBURN LAKE TRAILS PROPERTY OWNERS ASSOCIATION'S
4 ("ALT") MOTION TO DISMISS based on the following:

5 Pursuant to the new Federal Rules, an answer or motion to strike or dismiss must be filed
6 within 21 days. See Fed. R. Civ. Pro. 12(a)(1)(A)(i), 12(b), and 12(f). In fact the summons to
7 ALT was served on April 19, 2013 (Edstrom Decl ¶ 12) and ALT's motion to dismiss was filed
8 on May 17, 2013 (Edstrom Decl ¶ 14).

9 Additionally pursuant to the United States Bankruptcy Court in and for the Eastern
10 District of California's local rules, specifically local rule 9014-1(d)(6), Defendant ALT's motion
11 must be supported by evidence. The motion is not supported by evidence.

12 Defendant's motion is defective in that it has no factual basis as there was no declaration
13 or affidavit to establish its evidence, if any. Thus there is nothing for the Court to consider.

14 For the reasons set forth above, Plaintiff respectfully requests that the defective motion be
15 stricken from the record, that the defective motion be removed from the calendar, or that the
16 motion be denied with prejudice. Additionally Plaintiff requests that this Court enter in the
17 Defendants default as no timely answer or motion to Plaintiffs Adversary Proceeding was
18 provided.

19 CONCLUSION

20 For the reasons set forth above, Plaintiff respectfully requests that the motion be stricken
21 from the record, removed from the calendar or that the motion be denied with prejudice.
22 Plaintiff respectfully requests that the Court enter in the Defendants default as no timely answer
23 or motion to Plaintiffs Adversary Proceeding was provided.

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25 Dated this 9th day of July, 2013

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27 
28 DANIEL EDSTROM,

Plaintiff and Debtor-in-possession

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